

### Advisory Opinions on Consent Agenda - February 2021

Item #	Docket #	Caption	Analysis	Recommendation
G4	2020-550	Advisory Opinion for Todd Wackerman relating to potential candidacy for Orleans Parish School Board.	As Mr. Wackerman would be paid by STEM, and STEM solicits business from schools that Mr. Wackerman would be overseeing as a member of the School Board, his service on the School Board while receiving a salary from STEM would be a violation of La. R.S. 1111C(2)(d).	Issue proposed advisory opinion.
G5	2020-705	Request for an advisory opinion from Alton McGee, a teacher in East Baton Rouge Parish, who would like to create a Parent Teacher Organization and a Booster Club at Glen Oaks High School.	There would be no violation of the Code of Ethics for Alton McGee to form two non-profit corporations to assist Glen Oaks High School, provided he does not represent the corporation in contracts or other transactions with Glen Oaks High School. Since the Parent Teacher Organization and the Booster Club would be non-profit corporations, Alton McGee would not have a controlling interest in either corporation. Further, because Mr. McGee would receive no compensation from either corporation he would not receive any economic benefit from the two corporations. Mr. McGee should also be cautioned on the prohibition on soliciting prohibited sources.	Adopt the proposed advisory opinion draft.

Item #	Docket #	Caption	Analysis	Recommendation
G6	2020-807	Advisory opinion request regarding whether the Code of Governmental Ethics would prohibit Tangipahoa Parish Government employee Jill DeSouge's son, Brody DeSouge, independently or as an employee of KA-JI Construction, from being employed with RAWL or a similarly situated contractor with Tangipahoa Parish while she is employed with the Parish.	Under the specific circumstances presented above, Section 1111C(2)(d) of the Code would prohibit KA-JI Construction, LLC from accepting any compensation from parish contractors since the accounts payable section has a business or financial relationship with RAWL, or the lowest bidder, because her office processes the check. However, neither Section 1111C(2)(d) nor Section 1113A of the Code would prohibit Ms. DeSouge's son from being employed by RAWL or another contractor to haul material to a landfill provided the Parish contractor pays him directly. La. R.S. 42:1113A prohibits a public servant or a member of such public servant's immediate family or a legal entity in which he has controlling interest from bidding on or entering into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the public servant's agency. The contract or subcontract to haul materials to the landfill is not under Ms. DeSouge's agency the accounts payable section. Advise of the need for the son to file 1114 disclosures.	Adopt draft advisory opinion

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G7	2020-811	Request for an advisory opinion from Shelta J. Richardson, a member of the St. Tammany Parish School Board, as to whether she can accept a grant from the Louisiana Department of Education on behalf of her licensed child care center, but processed through the St. Tammany Parish School Board.	Because St. Tammany Parish would rank the participating childcare centers to receive funding, there would be a violation because Ms. Richardson's agency is participating in the process to determine which childcare center might receive funding from BESE or LDE. Ms. Richardson would be prohibited from receiving compensation from The Academy of Early Learning since The Academy of Early Learning is entering into a financial relationship with the St. Tammany Parish School Board. Further, The Academy of Early Learning would violate 42:1117 if it were to give something of economic value to Ms. Richardson in violation of 42:1111C(2)(d).	Adopt the proposed advisory opinion draft.
G8	2020-869	Advisory opinion regarding whether the post-employment restrictions in the Code of Governmental Ethics and found in La. R.S. 27:13 would prohibit Ronnie Jones, a former Chairperson of the Louisiana Gaming Control Board from serving on an advisory board of Entain, a foreign gaming corporation.	Under the facts provided, Mr. Jones would not be prohibited by La. R.S. 42:1121A from accepting a position as an advisory board member of Entain. However, R.S. 42:1121A would prohibit Mr. Jones for two years from assisting Entain for compensation, in a transaction, or appearance in a connection with a transaction, involving his former agency, the Louisiana Gaming Control Board. Additionally, for an interpretation of La. R.S. 27:13, Mr. Jones should seek an opinion of the Louisiana Attorney General's Office.	Adopt draft advisory opinion.

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G9	2020-901	A Request for an Advisory Opinion, submitted by Mark I. Baum, AIA, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit him or his business from making a charitable contribution to a not-for-profit entity in the name a public servant who is employed by an agency with which he has a business or contractual relationship.	Based on the facts presented, the Code does not prohibit Mr. Baum and/or his business from making a charitable contribution in the name of a public employee who is employed by an agency that he and/or his business has a contractual or business relationship. The charitable donation made on behalf of a public employee is not a "thing of economic value" as contemplated in La. R.S. 42:1111(A) and La. R.S. 42:1115. The charitable donation would only result in the public employee getting credit for the donation. As the party who made a donation in the name of another, Mr. Baum or his LLC would be the only party able to claim a deduction from the taxable income as a result of the donation. The donation is not money or a thing of monetary value received by the public servant. Accordingly, there would be no violation of La. R.S. 42:1111(A) and La. R.S. 42:1115.	Adopt the proposed advisory opinion.

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G10	2020-912	A Request for an Advisory Opinion, submitted by Francis Abbott - Executive Director of the Louisiana Board of Pardons and Committee on Parole, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit former employees of the Louisiana Department of Public Safety and Correction Division of Probation and Parole ("P&P") from entering into a contract with the Louisiana Board of Pardons' Committee on Parole.	Based on the facts presented, the Code does not prohibit former P&P employees from entering into a contract with the LBPCP to provide VAC services. La. R.S. 42:1121(B) would prohibit former P&P employees from entering into a contract with their former agency, P&P. The LBPCP is not their former agency. Therefore, La. R.S. 42:1121(B) does not prohibit former P&P employees from accepting employment on a contractual basis with the LBPCP.	Adopt the proposed advisory opinion.
G11	2020-913	Request for an advisory opinion from Dr. Emily Nichols, employed by the City of New Orleans as the Director of New Orleans EMS, relative to her joining the medical advisory board for ImageTrend.	Dr. Nichols' service on the medical advisory board for ImageTrend would not violate La. R.S. 42:1111C(2)(d), since she is uncompensated. The travel expenses would be considered a thing of economic value, thus they would be prohibited. However, the donations may only represent a thing of economic value if she receives a tax deduction and thus may not be permitted. Further, any participation by Dr. Nichols in a transaction between EMS and ImageTrend would be prohibited while she serves on the advisory board.	Adopt the proposed advisory opinion draft.

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G12	2020-914	Advisory Opinion Request from Megan Marino, MD, the Deputy Medical Director of the New Orleans Emergency Medical Services (EMS), as to whether she may be appointed to the board of ImageTrend, Inc., a vendor of EMS.	If Dr. Marino's service on the ImageTrend board is uncompensated, her service on such board while employed by EMS would not be a violation of La. R.S. 1111C(2)(d). Provided she does not receive a tax credit for the donations, the donations do not represent a thing of economic value received by her. However, as the travel reimbursement would be a thing of economic value, her receipt of travel expenses would be permitted. Further, any participation by Dr. Marino in a transaction between EMS and ImageTrend would be prohibited while she serves on the advisory board.	Adopt proposed advisory opinion.
G13	2020-915	Advisory opinion regarding whether the Code of Governmental Ethics would prohibit Juliette Villaronga, a Probation and Parole Specialist, from accepting an honorarium from the North American Center for Continuing Medical Education. (NACCME)	Because Ms. Villaronga would be providing services regarding matters related to her public job duties, she would be prohibited by Section 1111C(1)(a) of the Code from receiving any thing of economic value from NACCME in connection with her participation in the webinar.	Adopt draft advisory opinion.

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G14	2021-004	Advisory opinion regarding whether the Code of Governmental Ethics would prohibit Joe Magee from serving as the Administrator of the Desoto Parish Emergency Medical Services (EMS) and being appointed to serve on the Desoto Parish Fire District 2 Board.	Since neither EMS nor the Desoto Parish Fire District 2 are "persons", the Code of Governmental Ethics would not prohibit Mr. Magee from serving as the Administrator of EMS and on the Desoto Parish Fire District 2 Board because he does not have a personal substantial economic interest in the Cooperative Endeavor. However, he should be advised that this opinion request may present an issue associated with the Louisiana Dual Office-Holding laws, which are under the jurisdiction of the Attorney General.	Adopt draft advisory opinion.
G15	2021-005	Advisory Opinion Request from Paul P. Price, Jr., a member of the Franklin Parish Hospital Service District #1, d/b/a Franklin Medical Center Board of Directors ("FMC"), regarding his employment with a vendor of the District.	If Mr. Price's service as editor of the NPLC newsletter is compensated, such employment while a member of the District's Board would be a violation of La. R.S. 1111C(2)(d), as NPLC has existing business relationships with FMC.	Adopt proposed advisory opinion.
G16	2021-043	Disqualification plan submitted by DOTD regarding the promotion of Allen Myles, a Mobile Equipment Operator in DOTD District 03, Gang 530.	The disqualification plan submitted satisfies the requirements of Section 1112C of the Code by virtue of removing Allen Myles from all supervision of his brother, Eddie Myles.	Approve proposed disqualification plan.